

A CERTIFIED TRUE COPY

NOV 27 2007

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION07 CV 10953  
JUDGE KEENAN

NOV - 9 2007

FILED  
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

## CONDITIONAL TRANSFER ORDER (CTO-39)

MDL No. 1789

2007 DEC - 3  
S.U. OF N.Y.  
FILED  
CLERK'S OFFICE

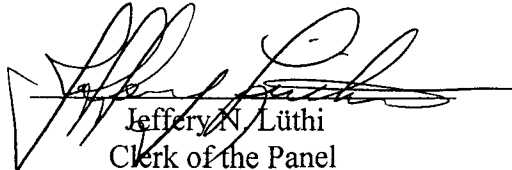
On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 101 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffery N. Lüthi  
Clerk of the Panel

A CERTIFIED COPY

J. MICHAEL McMAHON, CLERK

BY

  
DEPUTY CLERK

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

NOV 27 2007

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-39 - TAG-ALONG ACTIONS**

**DIST. DIV. C.A. #**

**CASE CAPTION**

ARKANSAS WESTERN  
ARW 5 07-5192

Jennifer Alexander v. Merck & Co., Inc.

CALIFORNIA EASTERN  
CAE 2 07-2145

Catherine Rush v. Merck & Co., Inc.

FLORIDA SOUTHERN  
FLS 0 07-61535

Florence Calman v. Merck & Co., Inc.